

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 71284

Herman L. Witherspoon  
Tyeisha Wilkins

3612 Forest Grove Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on February 2, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 428, Zoning Commissioners Policy Manual (ZCPL), failure to cease the outside storage of an unlicensed motor vehicle, failure to cease illegal home occupation on residential property known as 3612 Forest grove Avenue, 21207.

On January 16, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$20,000.00 (twenty thousand dollars).

The following persons appeared for the Hearing and testified: Herman L. Witherspoon and Tyeisha Wilkins, Respondents, and Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 20, 2009 for removal of untagged/inoperative motor vehicles, cease service garage activities, illegal home occupation, and remove trash and debris from this residential property. This Citation was issued on January 16, 2010.

B. Inspector Jeff Radcliffe testified that his initial inspections found several untagged motor vehicles, and tires, rims, and other debris indicating that a service garage business was being operated at this residence. Re-inspection on January 30, 2010 found untagged vehicles still at the property including a motorcycle and a Jeep Cherokee. Photographs in the file show the vehicles. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Respondent must put valid tags on the vehicles and make them operable, or remove them from the property.

C. Photographs also show junk and debris including tires, rims, and shingles, piled in the driveway. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

D. Respondent Herman Witherspoon and Respondent Tyeisha Wilkins testified that the vehicles belong to their family and that they are not operating a service garage business from the residence. The family owns eight vehicles. The untagged vehicles have been tagged; copies of registrations were provided including a temporary tag for the Jeep. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if re-inspection finds all violations corrected, including removal of all junk, trash and debris from the premises.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by March 1, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17<sup>th</sup> day of February 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.